IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2646 OF 2005

Shabbir Imamoddin Makandar & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Ms.Ujwal R.Agandsurve for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 27, 2005.

P.C.

1. Heard Counsel for the parties.

2. I see no reason to depart from the conclusion reached by the Court below in rejecting prayer for bail on behalf of the present Applicants.

3. It is brought to my notice that Application preferred by the co-accused Kuber Sahebrao Takmoge and another has been rejected by this Court on March 17, 2005. To get over this

position, Counsel for the Applicants contends that the role of the present Applicants is different.

4. On reading the F.I.R., it is seen that the Applicants have also participated in the commission of the offence. They were responsible for pushing the injured from bridge. Besides, the argument overlooks that the Applicants have been implicated in the commission of the crime being members of unlawful assembly. Even if the Applicants had not assaulted the injured by deadly weapon, as is contended, because of their participation and being members of unlawful assembly, they are vicariously responsible along with the other accused.

5. Having regard to the seriousness of the offence, therefore, this is not a case for bail. Hence, rejected.

6. In the case of co-accused, this Court has already directed early disposal of the trial, if required, by referring the matter to the Fast Track Court. It is expected that the said direction will be complied by the appropriate Court.

A.M.KHANWILKAR, J.